

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA	)	
	)	Criminal No. 1:07CR209
v.	)	
	)	Hon. T.S. Ellis, III
WILLIAM J. JEFFERSON,	)	
	)	
Defendant.	)	

**NOTICE OF INTENT TO RELY ON CERTAIN  
EVIDENCE IN THE GOVERNMENT'S CASE-IN-CHIEF**

The United States, by and through the undersigned counsel, files this notice of evidence it intends to introduce in its case-in-chief against Defendant William Jefferson. This evidence is inextricably intertwined with the evidence concerning the charges in the Indictment, or is otherwise necessary to complete the narrative of the crimes charged, or both. The government makes such a disclosure out of an abundance of caution so that the government will have complied with the notice requirement of Rule 404(b) in the unlikely event the Court were to later determine that such evidence is, in fact, covered by Rule 404(b). Nevertheless, even if such evidence is found to be covered by Rule 404(b), the evidence disclosed in this notice would still be admissible under that Rule as it would be offered to show Defendant Jefferson's motive, intent, preparation, plan, knowledge, and lack of mistake or accident.

Although the government is providing certain descriptions of such evidence in this notice, Defendant Jefferson should also be on notice that all evidence produced to Defendant Jefferson, as well as all statements disclosed, may be offered in the trial of this cause, under the inextricably-intertwined doctrine or Rule 404(b). Further, because the government continues to investigate

additional allegations of wrongdoing, it reserves the right to supplement and amend this notice as investigatory developments dictate.

### **DISCUSSION**

Where evidence is admitted “as to acts intrinsic to the crime charged, and is not admitted solely to demonstrate bad character, it is admissible.” *United States v. Higgs*, 353 F.3d 281, 311 (4th Cir. 2003) (quoting *United States v. Chin*, 83 F.3d 83, 88 (4th Cir. 1996)). “[A]cts are intrinsic when they are inextricably intertwined or [the] acts are part of a single criminal episode or the other acts were necessary preliminaries to the crime charged.” *Chin*, 83 F.3d at 88 (internal quotation omitted). In addition, evidence of other crimes or “uncharged conduct is not considered other crimes” for Rule 404(b) purposes “if it arose out of the same . . . series of transactions as the charged offense, . . . or if it is necessary to complete the story of the crime [on] trial.” *United States v. Kennedy*, 32 F.3d 876, 885 (4th Cir. 1994) (internal quotations omitted).

The following two additional schemes occurred during the period of the criminal conduct charged in the Indictment, namely, between August 2000 to August 2005. Moreover, the government anticipates that in addition to documentary evidence, which has already been produced, the evidence supporting the existence of these additional schemes will be provided through the testimony of certain unindicted co-conspirators, who will also testify regarding the schemes specifically delineated in the Indictment. As such, this evidence is not extrinsic evidence within the purview of Rule 404(b) of the Federal Rules of Evidence, as it is inextricably intertwined with the evidence regarding the charged offenses, or it is necessary to complete the story of the crimes at trial, or both. *See Chin*, 83 F.3d at 88; *Kennedy*, 32 F.3d at 885-86. Even if the following evidence was considered to fall within the purview of Rule 404(b), it would still be admissible as it demonstrates

“proof of motive, . . . intent, preparation, plan, knowledge, . . . or absence of mistake or accident.”

*See* Fed. R. Evid. 404(b); *Higgs*, 353 F.3d at 311.

**I. Scheme Involving Defendant Jefferson Soliciting a Consulting Agreement for Family Member 4 in Exchange for Undertaking Official Acts to Promote a Rocket Technology and Commercial Launch Services Company**

As the Indictment in this case reflects, the government intends to present evidence about schemes involving Businessperson BC and Companies B and C. *See, e.g.*, Ind. ¶¶ 30-31, 188-205, 245-52. In addition to those schemes, the government anticipates that Businessperson BC will also discuss a scheme involving a third company, “Company H.”<sup>1</sup> The scheme involved Defendant Jefferson and Family Member 4, along with Businessperson BC and Company H. Company H was a rocket technology and commercial launch services company. Company H was pursuing a number of business opportunities, including commercial launch contracts with the National Aeronautics and Space Administration (“NASA”) and the development and use of the former NASA Advanced Solid Rocket Motor facility in Mississippi and another facility in Louisiana. Executives with Company H were also interested in developing a separate satellite communications company that would provide global beaming of audio, video, and Internet services, which would potentially have a significant market in Africa. Businessperson BC had a consulting agreement with Company H.

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<sup>1</sup> Because the Court has not yet ruled regarding the continuing use of pseudonyms, the government will continue to use pseudonyms to refer to uncharged persons and entities, in accord with the relevant case law and the United States Attorney’s Manual. *See, e.g., In re Smith*, 656 F.2d 1101, 1106-07 (5th Cir. 1981); *United States v. Briggs*, 513 F.2d 794 (5th Cir. 1975); USAM §§ 9-11.130, 9-16.500, 9-27.760. The new pseudonyms will begin where those in the Indictment ended, that is, the last company identified by pseudonym was “Company G” and thus the next one to be used will be Company H. The government will separately send to counsel for Defendant Jefferson -- and file under seal with the Court -- an updated “Indictment Key to Unnamed Persons and Entities.”

In or about June 2005, Businessperson BC arranged for a meeting between Defendant Jefferson, Family Member 4, representatives of Company H, and Businessperson BC to discuss Company H and its various business ventures. At the meeting, Defendant Jefferson agreed to undertake official acts to support Company H by, among other things, writing a letter to NASA. Shortly after that meeting and before sending the letter to NASA, Defendant Jefferson told Businessperson BC that Defendant Jefferson wanted the same consulting agreement for Family Member 4 with Company H as had been done with Company C, namely, that Family Member 4 would receive a commission from Company H for certain sales and transactions in West Africa and Central Africa relating to the satellite aspect of the business ventures. Businessperson BC agreed to suggest to Company H that it hire Family Member 4. Businessperson BC is expected to testify that Businessperson BC understood from prior involvement with Defendant Jefferson in the ventures involving Companies B and C that Businessperson BC had to agree to provide a benefit to a family member of Defendant Jefferson in return for Defendant Jefferson performing official acts to promote Company H's business endeavors.

On or about June 15, 2005, a draft of the consulting agreement was prepared between Company H and Global Energy and Environmental Services, LLC ("Global"), a Jefferson-family controlled company, *see* Ind. ¶ 19, for the signature of Family Member 4 on behalf of Global. On or about July 14, 2005, Defendant Jefferson wrote a letter on the letterhead of the Congressional Black Caucus Foundation to NASA's Administrator on Company H's behalf. In the July 14 letter, Defendant Jefferson wrote of the challenge "of providing the necessary budget resources to NASA, in an era of tight budgets," and in the next sentence he wrote "we encourage your close consideration of [Company H]." At the time, Defendant Jefferson was the Chair of the Congressional Black

Caucus Foundation, and his signature block contained the letters “M.C.” following his name, which is an abbreviation used to refer to a Member of Congress. *See Black’s Law Dictionary* 994 (7th ed. 1999). Defendant Jefferson did not disclose to NASA’s Administrator that a consulting agreement was being pursued to benefit Family Member 4 or a Jefferson family-controlled company. Twenty days later searches were executed by law enforcement at Defendant Jefferson’s residences and other locations, and this scheme did not develop further.

**II. Scheme Involving Defendant Jefferson Soliciting a \$10,000-Per-Month Retainer Agreement for Family Member 2 in Exchange for Undertaking Official Acts to Promote a Pipeline Services Company**

As the Indictment in this case reflects, the government intends to present evidence about schemes involving Lobbyist A and Companies B, C, and G. *See, e.g., Ind. ¶¶* 30-31, 35, 172-205, 245-52, 265-68. In addition to those schemes, the government anticipates that Lobbyist A will testify about a scheme involving another company, “Company I.” The scheme involved Defendant Jefferson and Family Member 2, along with Lobbyist A and Company I. Company I was an established oil services company that, among other things, designed, supplied, and installed oil and gas deep-water pipelines in various places in the world, including Nigeria and other west African countries. As such, Company I had an interest in expanding its business in West Africa, particularly Nigeria, by, among other things, obtaining favorable influence from Defendant Jefferson over Nigerian government officials and the large private oil companies doing business in that part of the world.

After Defendant Jefferson and Lobbyist A returned from Nigeria in January 2002, Lobbyist A requested that Defendant Jefferson assist Company I by, among other things, arranging meetings for Lobbyist A with a high-ranking Nigerian foreign official, as well as certain executives of large

private oil companies doing business in West Africa, wherein Defendant Jefferson was to promote the company to such persons. Defendant Jefferson agreed to perform official acts to promote Company I's business endeavors. Defendant Jefferson, however, suggested that it would be a good idea for Company I to hire Family Member 2 as a consultant with a \$10,000 per month retainer fee. Lobbyist A understood that Defendant Jefferson was soliciting a bribe in which Defendant Jefferson would perform official acts to promote Company I in return for Company I hiring Family Member 2. As with other schemes, such a bribe would be concealed through the use of a retainer agreement. Company I did not agree to retain Family Member 2 as a consultant.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 16<sup>th</sup> day of November, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following::

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